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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,575

05/03/2005

Patrice Bujard

SE/2-22792/A/PCT

4479

324

7590

11/21/2007

CIBA SPECIALTY CHEMICALS CORPORATION

PATENT DEPARTMENT

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TARRYTOWN, NY 10591-9005

EXAMINER

PARVINI, PEGAH

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

11/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,575	<b>Applicant(s)</b> BUJARD ET AL.	
	<b>Examiner</b> Pegah Parvini	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-14,16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-10,13 and 19 is/are rejected.
- 7) ☒ Claim(s) 5,6,11,12,14,16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

Any rejection, made in the previous Office action, and not repeated below, are hereby withdrawn.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

1. Claims 1, 2, 7-10, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication No. US 2005/0287090 to Bujard.
2. With reference to claims 1-2, and 9, Bujard teaches platelet-shaped pigments having a length of from 1  $\mu\text{m}$  to 5 mm, a width from 1  $\mu\text{m}$  to 2 mm, and a thickness of from 20 nm to 2  $\mu\text{m}$ , and a ratio of length to thickness of at least 2:1 (paragraph [0001]). The prior art, also, disclose a metal core, especially of aluminum (paragraph [0064]). Additionally, Bujard discloses the thickness of the core metal to be fro 20 to 100 nm ([0094]). Furthermore, Bujard teaches the vapor deposition of different  $\text{SiO}_y$  layers wherein for the first one, specified as b1,  $0.70 \leq y \leq 0.99$ , for the second one, specified as b2,  $1.0 \leq y \leq 1.8$ , and for the third one, specified as b3,  $0.7 \leq y \leq 0.99$ . The reference discloses having a core of a metal, aluminum, for a substrate with slight different layers of SiO's, namely,  $\text{SiO}_{x1}$ ,  $\text{SiO}_{x2}$ , and  $\text{SiO}_{y1}$  ([0064]).

Although the reference does not expressly disclose a metal core of aluminum for the substrate layers of SiO<sub>y</sub>'s which are described above, it would have been obvious at the time of invention to have utilized the aluminum as a core metal for the layers of SiO<sub>y</sub>'s in which  $0.70 \leq y \leq 0.99$ ,  $1.0 \leq y \leq 1.8$ ,  $0.7 \leq y \leq 0.99$  for the three layers of b1, b2 and b3 consecutively motivated by the fact that the reference discloses metal platelet-shape substrate containing a core of a metal such as aluminum

3. With reference to claims 7-8, and 19, Bujard teaches the process of vapor deposition through which the silicon oxide layers are deposited; in addition, the reference discloses a core of Al for the disclosed multilayered pigment ([0094], [0101] to [0106]). It is noted that steps (c) and (e) are mentioned to be optional in the claims of the instant application.

4. With reference to claim 10, the prior art disclose that the pigment is used in paints, textiles, ink-jet printing, cosmetics, coatings, plastics, printing inks, in glazes for ceramics and glass, and in security printing (paragraph [0001]).

5. With reference to claim 13, Bujard discloses that the thickness of the Al core is from 20 to 100 nm ([0094]).

***Response to Amendment***

6. Applicants' amendments to claims 1, 2, and 7 in pages 9-10, filed April 16, 2007 are acknowledged. However, they are insufficient to overcome the rejections in light of new grounds of rejections necessitated by amendments as indicated in this Office action.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-2, 5, 7-10, 12-14, 16, and 19 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

8. Claims 5, 12 and 14 are objected to as being dependent upon rejected claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fail to disclose or suggest a thickness for the second silicon oxide layer, SiO<sub>x</sub> or layer 'b' as recited in the instant application, claims 5 and 14. Additionally, the prior art fail to disclose or suggest that the second and the third layers of SiO<sub>y</sub> and SiO<sub>z</sub> meet the following limitation simultaneously:  $1.0 \leq y \leq 1.8$  and  $1.4 \leq z \leq 2.0$  as recited in claim 12.

9. Claims 6, 11, 16, and 18 stand objected to as being dependent upon rejected claims, as indicated in the prior Office Action mailed on 01/18/2007 but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pegah Parvini whose telephone number is 571-272-2639. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PP

  
J.A. LORENGO  
SUPERVISOR, PATENT EXAMINER